THE HONOURABLE SHRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 6114 OF 2006

Dated 31st March, 2006

Between:

E.Muralidhar Rao

… Petitioner

And

The A.P.Vaidya Vidhana Parishad,

represented by its Commissisoner,

Sultan Bazar, Koti, Hyderabad

and others.

… Respondents.

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ORAL ORDER:

The petitioner, a diet contractor, was awarded with the contract for supply of diet to the inpatients and duty doctors of Area Hospital, Jagitial and Community Health Center, Peddapalli of Karimnagar District during 2004-2005 and it was further extended by one year commencing from 1.4.2005 to 31.3.2006 by proceedings dated 26.5.2005 in proceedings Rc.No.3797/HEC-B/2005.

It is the case of the petitioner that according to G.O.Ms.No.32, dated 2.2.2005 and the consequential circular dated 22.2.2005, he is entitled for further continuation, but, the respondents are not passing any orders and are trying to substitute the petitioner with another temporary appointee without calling for tenders.

Learned Standing Counsel for A.P.Vaidya Vidhana Parishad submits that so far, no steps have been taken either for continuation or otherwise of the contract of the petitioner. It is further submitted that, in any event, as even the extended term of the contract has come to an end by today, there is no right vested in the petitioner to seek for further continuation.

A reading of G.O.Ms.No.32, dated 2.2.2005 indicates that the Government after detailed examination of the matter has decided to give a minimum period of three years to the Diet Canteen Contracts in respect of supply of diet to the inpatients and duty doctors of all Government Hospitals. Consequent to the said G.O., a circular was also issued on 22.2.2005 framing the guidelines in respect of the supply of diet to the inpatients, and, one of the guidelines for continuation of the diet contract is that if the supply of diet being supplied by the present contractors is satisfied by the concerned Medical Superintendent of the Hospital, he shall send the proposal to the Commissioner APVVP for continuation of the diet contract for another year. The circular also provides for termination of the contract if the performance is found to be unsatisfactory. In the present case, no steps have been taken though the contract has come to an end today and there is also no adverse report against the petitioner for discontinuation. However, the petitioner cannot, as a matter of right, seek for extension of the contract beyond 31.3.2006. It is for the respondents to take a decision basing upon the performance of the petitioner in the supply of diet for earlier contract period.

In that view of the matter, the respondents are at liberty to take a decision in the matter of award of contract for supply of diet for the year 2006-07, either by way of extending the contract period of the petitioner or calling for fresh tenders, based on the reports in respect of the petitioner. However, as the contract has come to an end today viz. 31.3.2006 and no steps are stated to have been taken so far either for continuation of the contract of the petitioner or for calling fresh tenders, I direct the respondents to continue the petitioner till alternative arrangements are made in accordance with G.O.Ms.No.32, dated 2.2.2005 and the consequent circular dated

22.2.2005.

The writ petition is disposed of in terms stated supra. No costs.

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2006. (**R.SUBHASH REDDY, J.)**

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Note:

Issue cc today

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